

REMARKS

Applicants request favorable reconsideration of this application in view of the foregoing amendments and the following remarks. Of claims 1, 2, 4-13, and 15-20 that were pending in the application, claims 1, 2, 4, 5, 8-10, and 12 were rejected in the Office Action. Applicants appreciate the continued allowance of claims 6, 7, 11, 13, and 15-20. By way of this Amendment, Applicants have amended claim 1. Accordingly, claims 1, 2, 4-13, and 15-20 remain pending for further consideration.

1. Rejection of Claims 1, 2, 4, 5, 8-10, and 12

The Examiner rejected claims 1, 2, 4, 5, 8-10, and 12 under 35 U.S.C. § 103(a) as allegedly being obvious when considering U.S. Patent No. 6,306,057 ("Morisawa") in view of U.S. Patent No. 6,434,928 ("Manaka"). For at least the following reasons, Applicants respectfully traverse this rejection.

As amended herein, claim 1 (*i.e.*, the claim from which claims 2, 4, 5, 8-10, and 12 depend) recites a drive apparatus for a hybrid vehicle. This drive apparatus includes, among other possible things (*italic emphasis added*):

- an internal combustion engine;
- a damper connected on one side thereof to a rear of the engine;
- a motor-generator connected on one side thereof to another side of the damper, the motor generator being capable of starting the engine;
- a magnetic clutch connected on one side thereof to another side of the motor-generator, the magnetic clutch being configured to engage by electromagnetic force;
- a transmission connected to the internal combustion engine via the damper, the motor-generator, and the clutch;
- a starter motor connected to the damper, the starter motor being capable of starting the engine; and
- a magnetic dividing wall* that is disposed between the motor-generator and the magnetic clutch.

As hereafter explained the combination of Morisawa and Manaka fails to teach or suggest such a drive apparatus.

In rejecting claim 1, the Examiner asserts that Morisawa's "dividing wall is made of metal. Therefore, it can be considered a magnetic material." *See* Office Action at pp. 2-3. Applicants respectfully disagree with this statement. Not all metals are magnetic. For this reason, an aluminum soda can (which is clearly formed of "metal") does not adhere to the face of a refrigerator. Accordingly, the mere fact that Morisawa teaches a dividing wall 82 (which more likely than not would have been formed of non-magnetic aluminum) formed of

metal is insufficient to assert that Morisawa teaches a dividing wall formed of magnetic material. For at least this reason, the rejection of claim 1 was improper.

In addition, one possible interpretation of the above-quoted portion of the Office Action is that the Examiner may have been asserting that the phrase "magnetic material" includes any material used in forming a magnet (including potentially magnetic and non-magnetic items). Although Applicants disagree with such an interpretation of "magnetic material," Applicants have opted to clarify that the dividing wall recited in claim 1 is "magnetic" rather than being formed of a "magnetic material". This amendment to claim 1 is intended for purposes of clarity only and is not to be construed as narrowing the scope of protection to be afforded to the claim.

In light of the foregoing, it is clear that the combination of Morisawa and Manaka fails to teach or suggest at least the above-italicized limitations of claim 1. Accordingly, Morisawa and Manaka can not be used to reject claim 1, or any claim dependent thereon, under 35 U.S.C. § 103(a). Moreover, as claims 2, 4, 5, 8-10, and 12 depend from claim 1, each of these dependent claims is also allowable over Morisawa and Manaka, without regard to the other patentable limitations recited therein. Therefore, a withdrawal of the § 103(a) rejection of claims 1, 2, 4, 5, 8-10, and 12 remains both warranted and respectfully requested.

2. Conclusion

For the aforementioned reasons, claims 1, 2, 4-13, and 15-20 are now in condition for allowance. A Notice of Allowance at an early date is respectfully requested. The Examiner is invited to contact the undersigned if such communication would expedite the prosecution of the application.

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THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED REGARDING THIS APPLICATION UNDER 37 C.F.R. §§ 1.16-1.17, OR CREDIT ANY OVERPAYMENT, TO DEPOSIT ACCOUNT NO. 19-0741. SHOULD NO PROPER PAYMENT BE ENCLOSED HERewith, AS BY A CHECK BEING IN THE WRONG AMOUNT, UNSIGNED, POST-DATED, OTHERWISE IMPROPER OR INFORMAL OR EVEN ENTIRELY MISSING, THE COMMISSIONER IS AUTHORIZED TO CHARGE THE UNPAID AMOUNT TO DEPOSIT ACCOUNT NO. 19-0741. IF ANY EXTENSIONS OF TIME ARE NEEDED FOR TIMELY ACCEPTANCE OF PAPERS SUBMITTED HERewith, APPLICANT HEREBY PETITIONS FOR SUCH EXTENSION UNDER 37 C.F.R. § 1.136 AND AUTHORIZES PAYMENT OF ANY SUCH EXTENSIONS FEES TO DEPOSIT ACCOUNT NO. 19-0741.